IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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TUESDAY, THE SIXTEENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION No. 16016 OF 2005

Between:

Kura Gayatri … Petitioner

Versus

The Land Reforms Trkibunal,

Represented by Revenue Divisional Officer,

Gudur, Nellore district & Ors. … Respondents

Counsel for the Petitioner : Mr. P.SRIDHAR REDDY

Counsel for the Respondents 1 & 2 : GOVT.PLEADER FOR REVENUE

Counsel for the Respondent No.3: NONE APPEARED

This writ petition is filed questioning the action of the respondents in not considering the application dated 9-6-2005 of the petitioner, who objected for the proposed surrender of the lands belonging to her by the third respondent and the action of the second respondent in seeking to dispossess her from Acs:35-37 cents of land in survey nos,.244, 250, 168/6 and 137/2 situate at Kondapuram village of Vakadu Revenue Mandal, Nellore district, as illegal, arbitrary, violative of Article 14, 19 (1) (g) and 300-A of the Constitution of India and consequently direct the first respondent to dispose of the said application and further direct the second respondent not to dispossess her from the above extent of land.

The case of the petitioner is that her maternal aunt, Mrs.Veluru Tulasamma was the absolute owner and possessor of lands in an extent of Acs:45-53, 24-27, 0-48 and 0-47 in survey nos. 244, 250, 168/6 and 137/2, admeasuring Acs:70-75 respectively situate in Kondapuram village, by virtue of registered sale deed bearing document Nos.3861/49, 2202 and 2577/1950. With the proceedings therefrom her maternal aunt and her brother Ramachandrapa Naidu purchased an extent of Acs:80-00 of

land in Kondapuram village of Vakadu Revenue Mandal. Thereafter her maternal aunt executed her last will and testament dated 19-7-1979, which was registered as Document No.17/79 on 21-7-1979. She filed OS.No.140 of 1992 on the file of the Court of Subordinate Judge, Gudur seeking partition and separate possession of her half share in the plaint schedule lands. The said suit was decreed by judgment dated 31-3-1993 and became final.

Now the petitioner came to know that the third respondent sought to surrender the land that fell to her share in the partition suit towards surplus land under the provisions of A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1975. The petitioner therefore filed objections before the Land Reforms Tribunal, Gudur on 9-6-2005 objecting for taking possession of her lands and the same is still pending.

While things stood thus, the second respondent deputed the surveying staff for the purpose of measuring the lands and to take possession from the third respondent. When the petitioner came to know of the same, she resisted the action of the third respondent in seeking to dispossess her. Thereafter, she approached the second respondent. Thereupon the second respondent informed that he did not receive from the first respondent about the pendency of the application filed by her and instructed her to approach the first respondent. The first respondent is not considering her application on the ground that he is preoccupied with his official duties and that he will issue a notice of enquiry of fixing a date.

The grievance of the petitioner is that before the conclusion of the proceedings by the first respondent, if she is dispossessed from the land, she would suffer irreparable loss and hardship. She is advised to state that under sub-section 5 of

Section 10 of AP Land Reforms (Ceiling on Agricultural Holdings) Act, 1975 prescribes procedure for adjudicating the objections raised for surrender of the lands. If there is any dispute as to the title or encumbrance on the land, the Tribunal shall not accept the said surrender. In such an event, the Tribunal should direct the declarant to surrender any other land in lieu thereof. The first respondent being the statutory Tribunal consistuted under the Statute is bound to consider the application filed by her. The inaction on the part of the first respondent in considering her application is illegal and violative of the provisions of the Act and Rules made thereunder. Therefore, the petitioner prayed to direct the first respondent to consider her application dated 9-6-2005 objecting for surrender of the lands and further direct the second respondent not to dispossess her from the said extent o land pending disposal of the application before the first respondent.

Considering the facts and circumstances of the case and taking into consideration the submission made by the learned counsel for the petitioner, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the first respondent to consider the application dated 9-6-2005 filed by the petitioner, objecting the proposed surrender of lands belonging to her by the third respondent after issuing notice to the affected parties and pass appropriate order on merits and in accordance with law within twelve weeks from the date of receipt of a copy of this order after giving reasonable opportunity of hearing the petitioner. Till such time, the second respondent is directed to maintain *statusquo* prevailing as on today.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 16th, 2005. ----------

I S L. ELIPE DHARMA RAO , J